

JUL 10 2012

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

UNITED STATES OF AMERICA

v.

NAZARIO SOLIS III

§
§
§
§
§
§
§
§
§

CASE NO. M-12-1122

UNDER SEAL

INDICTMENT

The Grand Jury charges that:

INTRODUCTION

At all relevant times:

STARR COUNTY SHERIFF'S OFFICE

1. Starr County, Texas was a political subdivision within the State of Texas.
2. The Starr County Sheriff's Office (SCSO) served as the chief law enforcement office in the county with duties that included criminal investigations, traffic enforcement, enforcing judgments, operation of the county jail, and maintaining communications with other law enforcement organizations.
3. During calendar year 2011, Starr County received more than \$10,000 in funds from the United States Government in the form of grants, contracts, subsidies, loans, guarantees, insurance, and other forms of federal assistance.

INDIVIDUALS INVOLVED

4. From in or about October 2009 through the present, defendant **Nazario Solis III** served as a Deputy Sheriff in the SCSO. In his official position, **Solis** conducted criminal

investigations, made arrests, executed search and arrest warrants, and performed other law enforcement duties. As a SCSO Deputy, **Solis** was charged with enforcing state and local laws and preventing illegal conduct in Starr County, including narcotics offenses and gambling operations.

5. From in or about December 2004 through the present, defendant served as a Deputy Sheriff in the SCSO. In his official position, defendant conducted criminal investigations, made arrests, executed search and arrest warrants, and performed other law enforcement duties. As a SCSO Deputy, defendant was charged with enforcing state and local laws and preventing illegal conduct in Starr County, including narcotics offenses and gambling operations.

6. Individual A was an operator of a gambling business in Starr County, Texas, consisting of gambling machines (aka "eight-liners", aka "Maquinitas").

COUNT ONE
Conspiracy

7. Paragraphs 1 through 6 of this Indictment are realleged and incorporated as if fully set forth herein.

THE CONSPIRACY AND ITS OBJECTS

8. Beginning in or about March 2011 and continuing through in or about April 2011, in the Southern District of Texas, and elsewhere,

Nazario Solis III and

defendants herein, did knowingly combine, conspire, confederate, and agree with each other, Individual A, and others, known and unknown, to commit the following offenses against the United States:

a. Federal Programs Bribery, that is, **Solis** an agent of Starr County, Texas, which received federal assistance in excess of \$10,000 in a one-year period, did each corruptly solicit, demand, accept, and agree to accept a thing of value from a person, intending to be influenced and rewarded in connection with any business, transaction, and series of transactions of Starr County, Texas, involving anything of value of \$5,000 or more, that is Individual A made cash payments to and for **Solis's** personal benefit to assist Individual A by providing protection for Individual A's gambling business, including providing warning of law enforcement activity on Individual A's gambling business, in violation of 18 U.S.C. § 666(a)(1)(B); and

b. Extortion, that is, **Solis** obstruct, delay, and affect commerce and the movement of articles and commodities in commerce, by extortion, under

color of official right by demanding and accepting cash payments for their personal benefit from Individual A, with that person's consent, in exchange for providing protection for Individual A's gambling business, including providing warning of law enforcement activity on Individual A's gambling business, in violation of 18 U.S.C. § 1951(a).

THE PURPOSE OF THE CONSPIRACY

9. The purpose of the conspiracy was to enrich Individual A financially by protecting his gambling business, for Individual A to secretly enrich **Solis** with money, and to influence and reward **Solis** for using their official positions as SCSO Deputies to protect the gambling business.

THE MANNER AND MEANS OF THE CONSPIRACY

10. The manner and means by which **Solis**, and Individual A sought to accomplish the objects of the conspiracy include the following:

a. **Solis** would and did solicit and accept money and things of value from Individual A intending to be influenced and rewarded for using their official positions as SCSO Deputies to benefit Individual A; and

b. **Solis** would and did provide protection for Individual A's gambling business, including providing warning of law enforcement raids and other activity relating to Individual A's gambling business.

OVERT ACTS

11. In furtherance of the conspiracy and to accomplish its objects, at least one of the co-conspirators performed and caused to be performed at least one of the following acts among others in the Southern District of Texas and elsewhere:

a. On or about March 25, 2011, Individual A arranged for **Solis** to each receive a share of \$1,500 in cash in exchange for **Solis** providing protection for Individual A's gambling business and warning of law enforcement activity on Individual A's gambling business. Specifically, **Solis** was to be paid \$1,100.

b. Prior to a law enforcement raid on Individual A's gambling business in late March 2011, **Solis** provided actual warning to Individual A of the raid. As a result of this warning, Individual A was able to remove money and employees from the building housing the gambling business;

c. On or about March 29, 2011, in a recorded conversation, Individual A confirmed he had received advance warning of the raid from **Solis**

d. On or about March 29, 2011, in a record conversation, **Solis** confirmed that he had provided advance notice of the raid when he said, "That piece of shit got notice, didn't he?"; and

e. On or about March 29, 2011, in a record conversation, confirmed that he had provided advance notice of the raid when he said, "Me and Nazario [**Solis**] did our part by telling them to leave, because they were going to arrest the guys.... We give you all a chance to leave where you all can take out money and your people".

All in violation of 18 U.S.C. § 371.

COUNT TWO
Receipt of a Bribe or Reward by Agent of
Organization Receiving Federal Funds

12. Paragraphs 1 through 6 of this Indictment are realleged and incorporated as if fully set forth herein.

13. At all times material to this indictment, Starr County, Texas, was a local government that received federal assistance in excess of \$10,000 in the 2011 calendar year.

14. At all times material this indictment, defendants **Nazario Solis III** and
were agents of Starr County, Texas — specifically, SCSO Deputies — whose duties included enforcing state and local laws conducting criminal investigations, making arrests, executing search and arrest warrants, and other law enforcement duties.

15. Beginning in or about March 2011 and continuing through in or about April 2011, in the Southern District of Texas, and elsewhere, defendants

Nazario Solis III and

aiding, assisting, and abetting each other and others, known and unknown to the Grand Jury, did each corruptly solicit, demand, accept, and agree to accept a thing of value from a person, intending to be influenced and rewarded in connection with a transaction and series of transactions of Starr County, Texas, involving \$5,000 or more; that is **Solis** accepted cash payments for their personal benefit from Individual A in exchange for providing protection for Individual A's gambling business, including providing warning of law enforcement activity on Individual A's gambling business.

All in violation of 18 U.S.C. § 666(a)(1)(B).

COUNT THREE
Extortion Under Color of Official Right

16. Paragraphs 1 through 6 of this Indictment are realleged and incorporated as if fully set forth herein.

17. Beginning in or about March 2011, and continuing through in or about April 2011, in the Southern District of Texas, and elsewhere, defendants

Nazario Solis III and

aiding, assisting, and abetting each other and others, known and unknown to the Grand Jury, unlawfully and knowingly affected, and attempted to affect, commerce and the movement of articles and commodities in commerce by extortion, as that term is defined in Title 18, United States Code, Section 1951, that is, by obtaining property to which each was not entitled from another person, with that person's consent, under color of official right, in that:

a. **Solis**, SCSO Deputies acting under color of official right, obtained monetary payments to which they were not entitled from Individual A, an individual operating a gambling business in Starr County, Texas; and

b. **Solis** accepted these monetary payments knowing that they were made in return for their assistance in providing protection for Individual A's gambling business, including providing warning of law enforcement activity on Individual A's gambling business.

All in violation of 18 U.S.C. § 1951(a) and 18 U.S.C. § 2.

COUNT FOUR

Conspiracy to Possess with the Intent to Distribute (Marijuana)

18. Beginning on or about April 19, 2011 and continuing through on or about April 21, 2011, in the Southern District of Texas, and elsewhere,

Nazario Solis III and

defendants herein, did unlawfully, knowingly, and intentionally, combine, conspire, confederate, and agree with each other and others, known and unknown to the Grand Jury, to possess with the intent to distribute a controlled substance. This violation involved less than 50 kilograms of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(D).

COUNT FIVE

Possession with the Intent to Distribute (Marijuana)

19. Beginning on or about April 19, 2011 and continuing through on or about April 21, 2011, in the Southern District of Texas, and elsewhere, defendants

Nazario Solis III and

aiding, assisting, and abetting each other and others, known and unknown to the Grand Jury, did unlawfully, knowingly, and intentionally possess with the intent to distribute a controlled substance. This violation involved less than 50 kilograms of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

In violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(D) and 18 U.S.C. § 2.

COUNT SIX

Attempt to Possess with the Intent to Distribute (Cocaine)

21. Beginning on or about April 2011 and continuing through on or about May 2011, in the Southern District of Texas, and elsewhere, defendant

Nazario Solis,

aiding, assisting, and abetting others, known and unknown to the Grand Jury, did unlawfully, knowingly, and intentionally, attempt to possess with the intent to distribute a controlled substance. This violation involved 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In furtherance of this count, **Solis** attempted to obtain three kilograms of cocaine that he planned to distribute to an individual in exchange for semi-automatic and fully-automatic firearms to send across the border into Mexico. **Solis** engaged in extensive negotiations with this individual regarding the firearms and ultimately agreed to exchange three kilograms of cocaine, and cash, for the firearms.

During these negotiations, **Solis** named the specific types of firearms he wanted to receive: "My boss likes the 308 [rifle] ... he likes the M-4s [rifle] and the 223 [rifle]." **Solis** stated, "I'm going to be looking for 'semi' only," and later complained that fully automatic weapons result in "too much ammo . . . going down the drain. We kill one bird and we shoot seven times. That's not, that's not very good mathematics." **Solis** told the individual, "[If] you can actually deliver by the end of the week, I don't see no problem. I have your green [money], you know." **Solis** explained that he only needed to get "the green light" from the boss, and

explained that "You could say that I'm the one in charge over here [on the U.S. side of the border]."

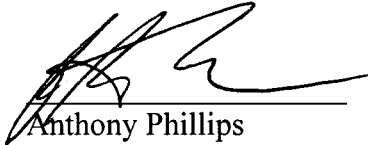
In violation of 21 U.S.C. §§ 846, 841(a)(1), & 841(b)(1)(B)(ii) and 18 U.S.C. § 2.

A TRUE BILL

FOR PERSON OF THE GRAND JURY

JACK SMITH
Chief, Public Integrity Section

By:



Anthony Phillips
Peter Mason
Trial Attorneys
Public Integrity Section
United States Department of Justice